

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION

UNITED STATES OF AMERICA

NO. 6:06-CR-029-C(04)

v.

MARTIN BOLAND

**GOVERNMENT'S RESPONSE TO DEFENDANT'S**  
**MOTION UNDER 18 U.S.C. § 3582(c)(2)**

**I. Eligibility**

A. The government:

☐ agrees with the probation worksheet's finding that the defendant is ineligible for a sentence reduction and asks the Court to deny the motion.

☒ agrees with the probation worksheet's finding that the defendant is eligible for a sentence reduction. Please see Part II for the government's recommendation as to whether to grant the motion for reduction.

☐ does not agree with the probation worksheet's findings on the defendant's eligibility for a sentence reduction for the following reasons:

**II. Recommendation (prosecutor will complete only if the defendant is eligible for a reduction)**

A. If the defendant is eligible, the government:

i. ☐ opposes any reduction.

ii. ☒ does not oppose a reduction, but only to

☒ the top of the new guideline range.

☐ the middle of the new guideline range.

☐ other:

iii. ☐ does not oppose a reduction to the bottom of the defendant's new guideline range, which is the lowest sentence the defendant may receive. *See* USSG § 1B1.10(2)(A).

iv. ☐ does not oppose a reduction to   0   months, which is \_\_\_\_\_% below   0   months, the bottom of the new guideline range. This is because the defendant's prior sentence of   0   months was \_\_\_\_\_% below   0   months, the bottom of the original range (applicable only if a defendant received a below-guidelines sentence due to a substantial-assistance motion, *see* USSG § 1B1.10(b)(2)(B)).

B. If the government checked boxes (i.) or (ii.) above—and therefore opposes a full reduction in the defendant’s sentence—the reasons include (prosecutor will check one or more):

- ☐ the defendant’s criminal history
- ☐ the offense conduct or relevant conduct
- ☐ the defendant’s post-sentencing conduct
- ☒ other:

Further explanation of the government’s opposition includes:

This Court previously sentenced the defendant to the top of the then-applicable sentencing guideline range.

Respectfully submitted,

JOHN R. PARKER  
UNITED STATES ATTORNEY

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s/ Denise Williams

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was mailed  
on 7/23/15 to Martin Boland, Register No. 35902-177  
FCI Texarkana, P.O. Box 7000, Texarkana, TX 75505.

s/ Denise Williams  
DENISE WILLIAMS  
Assistant United States Attorney